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Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SAMUEL FREDERICK DAVIS, a/k/a
“Buju”; LC SHELTON JOHNSON-
WHITLOW; FRANK MOTA-RIJO,
a/k/a “Spanish”; DELMAR SPENCER;
DWAYNE SMITH; JAHEIM
RANDOLPH, a/k/a “Ja”; and KYIN
SUMPTER-BOYD, a/k/a “Crazy”,
a/k/a “Krazy”,

Defendants.

No. 3:21-cr-00012-SLG-DMS

**MOTION TO SEAL INDICTMENT AND DELAY ARRAIGNMENT AND
ENTRY OF CASE INTO THE ELECTRONIC FILING SYSTEM
FILED UNDER SEAL**

COMES NOW the United States of America by and through the United States Attorney and undersigned counsel and hereby files a motion to seal the First Superseding Indictment of the above captioned individuals. The United States further requests that the Court delay the arraignment and entry of the First Superseding Indictment into the electronic filing system (ECF).

The United States asks the court to seal the Indictment in this case pursuant to Fed. R. Crim. P. 6(e)(4).

The charges in the First Superseding Indictment are the product of an investigation into trafficking of narcotics in this district and other districts. Though this is a superseding indictment, several newly charged co-defendants are out of custody and may not know they are a target of this investigation and that the United States seeks their arrest. Even if they believe they are the target of an investigation, they do not know the scope of the investigation. Law enforcement is aware of defendants' speculation regarding potential witnesses for the government during this investigation, and that generalized threats have been made by defendants based upon such speculation. Details in the indictment could lead defendants to draw conclusions which could place witnesses in danger, whether those conclusions are accurate or not.

Arrest of the out of custody defendants can be coordinated by law enforcement within two weeks of arrest warrants being issued. However, the successful execution of these warrants depends on the defendants remaining unaware of their existence.

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It is possible that during the investigation, the defendants in custody have remained in contact with the newly charged co-defendants through electronic and telephone communications. Thus, if the existence of the investigation is revealed through public disclosure of any of the First Superseding Indictment prior to the remaining defendants' apprehension, it is likely that this information will quickly be disseminated. This information, in turn, will allow the remaining out of custody defendants to flee, destroy or conceal evidence, prepare to violently resist arrest, or to threaten and intimidate potential witnesses.

For these reasons, the United States asks the court to seal the Indictment in this case and any associated arrest warrant, as well as delay the arraignment of any co-defendant and the entry of the First Superseding Indictment into ECF, until Thursday April 1, 2021, at 5:00 p.m., and to find that the public interest in access to the Indictment is outweighed by law enforcement interests. If the need for secrecy as outlined above passes before the expiration of the 16 days period, the government will promptly file an appropriate motion to unseal.

RESPECTFULLY SUBMITTED March 16, 2021, in Anchorage, Alaska.

E. BRYAN WILSON
Acting United States Attorney

s/ G. Michael Ebel
G. MICHAEL EBELL
Assistant U.S. Attorney
United States of America